

Chapter 27.81

GENERAL PROVISIONS

Sections:

27.81.010	General Regulations.
27.81.020	Interpretation, Purpose, and Conflict.
27.81.025	Publication in Pamphlet Form.
27.81.030	Purpose of Catch-heads, Introductory Statements, and Illustrations.
27.81.040	Amendments.
27.81.050	Notice of Public Hearings.
27.81.060	Enforcement.
27.81.070	Violation and Penalty.
27.81.080	Severability.
27.81.090	Conflicts.
27.81.100	Savings Clause.
27.81.110	When Effective.

27.81.010 General Regulations.

The following general regulations shall apply to all zoning districts:

(a) Except as otherwise provided in this title, no building shall be erected, converted, enlarged, reconstructed, or structurally altered, nor shall any structure or land be used:

(1) Except for a purpose permitted in the district in which the structure or land is located;

(2) Except in conformance with the height and minimum lot requirements, and the parking and sign regulations, and any other applicable requirements of the district in which the structure or land is located.

(b) The minimum yards and other open spaces, including lot area per family, required by this title for each and every building at the time of passage of this title or for any building hereafter erected shall not be encroached upon or considered as yard or open space requirements for any other buildings, nor shall any lot area be reduced beyond the district requirements of this title.

(c) There shall be no grading or disturbance of any land one acre or greater in size, except for tilling, cultivation, or agriculturally related conservation practices without first submitting a drainage and grading plan to the Director of Public Works and Utilities setting forth the requirements of the design standards applicable to stormwater management, erosion and sedimentation control, including the preservation of minimum flood corridors, and obtaining approval of said plan; provided, however, that the requirement to preserve a minimum flood corridor will not apply to property within a subdivision approved prior to March 8, 2000. The required grading and drainage plan may be waived by the Director of Public Works and Utilities upon submittal of a written request for such waiver stating that the grading or land disturbance is conducted as part of agricultural operations, that the land will remain in agricultural use for a period not less than three years, and that grading or land disturbance for any other purposes shall not be conducted prior to submitting and obtaining approval of a grading and drainage plan as required by this section.

(d) Every building hereafter erected or structurally altered shall be located on a lot as herein defined and in no case shall there be more than one main building on one lot except as otherwise provided in Chapters 27.65 and 27.71.

(e) All inhabited or occupied mobile homes shall conform to one of the following:

(1) Used as a dwelling and located in a mobile home court or mobile home subdivision operating under a valid special permit in conformance with Chapter 27.63;

(2) Used as a dwelling associated with a farm;

(3) Used as a temporary office or shelter incidental to construction or development on the premises on which the mobile home is located; or

(4) One mobile home may be used as an office in any mobile home court or mobile home subdivision operating under a valid special permit in conformance with Chapter 27.63; provided, the mobile home used as an office is located on an approved mobile home space or lot and such office is used only for conducting the business of the mobile home court or subdivision in which the office is located. Said mobile home may also be used as a dwelling.

(5) One mobile home may be used as an office in any campground operating under a valid special permit in conformance with Chapter 27.63; provided, the mobile home is used only for conducting the business of the campground. Said mobile home may also be used as a dwelling for the campground manager.

A mobile home not in conformance with one of the above shall not be occupied or inhabited; nor shall it be connected to utilities, except when being displayed for sale by a dealer or manufacturer.

(f) If a single building or lot is located in two or more zoning districts, each part of the building or lot shall comply with the regulations of the district in which it is located, except as provided in Chapter 27.05 or Chapter 27.75. (Ord. 18362 §1; May 10, 2004: prior Ord. 18186 §1; June 2, 2003: Ord. 17618 §28; February 22, 2000; Ord. 14469 §2; August 18, 1986: Ord. 14348 §1; March 31, 1986: Ord. 13535 §6; January 24, 1983: Ord. 12571 §420; May 8, 1979).

27.81.020 Interpretation, Purpose, and Conflict.

In interpreting and applying the provisions of this title, they shall be held to be the minimum requirements for the promotion of the public safety, health, convenience, comfort, prosperity and general welfare. It is not intended by this title to interfere with or abrogate or annul any easements, covenants, or other agreements between parties, except that if this title imposes a greater restriction, this title shall control. (Ord. 12571 §421; May 8, 1979).

27.81.025 Publication in Pamphlet Form.

This title may be published in pamphlet form for distribution in the city. (Ord. 12571 §421; May 8, 1979).

27.81.030 Purpose of Catch-heads, Introductory Statements, and Illustrations.

The catch-heads appearing in connection with the sections of this title are inserted simply for convenience to serve the purpose of an index. The introductory statements found at the beginning of each zoning district are to serve as general references only. The illustrative examples of zoning terms found at the end of Chapter 27.03 and at the end of Section 27.71.190 are inserted simply for convenience and clarification. The catch-heads, introductory statements, and illustrative examples of zoning terms shall be wholly disregarded by any person, officer, court, or other tribunal

in construing the terms and provisions of this title. (Ord. 14386 §3; May 19, 1986; prior Ord. 12571 §422; May 8, 1979).

27.81.040 Amendments.

The City Council may from time to time on its own motion, or on petition, amend, supplement, or otherwise modify this title. Any such proposed amendment, supplement, or modification shall first be submitted to the Planning Commission for its recommendations and report. Said report shall contain the findings of the commission regarding the effect of the proposed amendment, supplement, or modification upon adjacent property and upon the Comprehensive Plan of the City of Lincoln. After the recommendations and report of the Planning Commission have been filed, the City Council shall, before enacting any proposed amendment, supplement, or modification hold a public hearing in relation thereto, giving notice of the time and place of such hearing as provided in Section 27.81.050 hereafter. The applicant may withdraw a request for amendment at any time before notice of the public hearing before the City Council is given. After notice of public hearing has been given, the application may only be withdrawn with the approval of the City Council.

In the event that the proposed amendment or change is denied by the City Council, no new request shall be made for the same or substantially similar amendment or change within one year of said denial thereof. (Ord. 16044 §1; February 3, 1992; prior Ord. 12571 §423; May 8, 1979).

27.81.050 Notice of Public Hearings.

Public hearings required to be held by the City Council, Planning Commission, Historic Preservation Commission, or Board of Zoning Appeals under this title shall not be held until notice thereof has been given in compliance with the following provisions:

(a) A notice shall be posted in a conspicuous place on or near the property upon which action is pending. The notice shall be posted upon or as near to the subject premises as possible so that it is easily visible from the street, and such notice shall be so posted for at least eight consecutive days before the date of such hearing. It shall be unlawful for any person to remove, mutilate, destroy, or change the posted notice prior to the hearing.

(b) At least eight days before the date of hearing, the City Clerk shall have published in a daily newspaper having a general circulation in the City of Lincoln a notice of the time, place, and subject matter of the public hearing.

(c) For public hearings required to be held by the Historic Preservation Commission for an application for a designation as a landmark or landmark district or for a special permit, and for public hearings required to be held by the Planning Commission and the Board of Zoning Appeals, additional notice shall be given as follows: At least ten days before the date of hearing, the Planning Director shall cause notice of the requested item to be sent (i) to the record owner or owners of the property upon which action is pending when the petitioner for such request is other than the owner or any person or group officially designated to participate in the administration of this title and (ii) to the record owners of property located within 200 feet of the property upon which action is pending when such owners' property is located within the corporate limits of the city and to the record owners of property located within one-fourth mile of the property upon which action is pending when such owners' property is located outside the corporate limits of the city; provided, however, that subsections (i) and (ii) shall not apply when the petitioner for such request is any person or group officially designated to participate in the administration of this title. Such notice

shall be sent by regular United States mail, postage prepaid, to each owner's address as it appears on the last equalized assessment roll of the county or as known to the Planning Director.

(d) No decision or recommendation which the Historic Preservation Commission, the Planning Commission, or the Board of Zoning Appeals is required to make under this title shall be void or invalidated or affected in any way, for any irregularity, defect, error, or failure on the part of the Planning Director to cause notice to be given as required in subsection (c) above.

(e) It shall not be necessary to give further notice of adjourned or continued public hearing.

(f) Other notice, as may be deemed appropriate by the public body conducting the hearing, may be given in advance of public hearings. Such notice is not mandatory or required as a condition precedent to any such public hearing. (Ord. 15764 §1; October 29, 1990: prior Ord. 15214 §14; July 10, 1989: Ord. 15212 §1; July 3, 1989: Ord. 13219 §2; October 12, 1981: Ord. 12571 §424; May 8, 1979).

27.81.060 Enforcement.

It shall be the duty of the Director of Building and Safety of the City of Lincoln to enforce this title. Appeals from a decision of the Director of Building and Safety may be made to the Board of Zoning Appeals as provided in Chapter 27.75. (Ord. 12571 §425; May 8, 1979).

27.81.070 Violation and Penalty.

The owner or agent of a building or premises in or upon which a violation of any provision of this title has been committed or shall exist, or the lessee or tenant of an entire building or entire premises in or upon which violation has been committed or shall exist, or the agent, architect, building contractor or any other person who commits, takes part, or assists in any violation or who maintains any building or premises in or upon which such violation shall exist, shall be guilty of a misdemeanor and shall be punished by a fine not to exceed \$100.00. Each and every day that such violation continues after notification may constitute a separate offense.

In case any building or structure is in the course of being erected, constructed, reconstructed, altered, or repaired, or any excavation, filling, or grading of land is being performed in violation of this title, the building official may order such unlawful erection, construction, reconstruction, alteration, excavation, filling, or grading stopped by written notice served on any persons engaged in such activity, and any such persons shall forthwith stop such activity until authorized to proceed by the building official. Any person who continues such activity without authorization shall be deemed in violation of this section and be subject to the penalties provided hereunder.

In addition to other remedies, in case any building or structure is in the course of being, or has been, erected, constructed, reconstructed, altered, repaired, converted, or maintained or any building, structure, or land is used in violation of this title, the City Attorney may institute injunction, mandamus, or other appropriate action or proceeding to prevent such unlawful erection, construction, reconstruction, alteration, conversion, maintenance, or use or to correct or abate such violation or to prevent the occupancy of said building, structure, or land. (Ord. 14900 §2; June 6, 1988: prior Ord. 12571 §426; May 8, 1979).

27.81.080 Severability.

If any section, subsection, sentence, clause, or phrase of this title is for any reason held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of this title. (Ord. 12571 §427; May 8, 1979).

27.81.090 Conflicts.

Should any provision of this title be interpreted to conflict with any other ordinance of the City of Lincoln, or with any applicable state or federal statute, the more restrictive regulation shall apply. (Ord. 12571 §428; May 8, 1979).

27.81.100 Savings Clause.

This title shall in no manner affect pending actions, either civil or criminal, founded on or growing out of any ordinance, or part of any ordinance hereby repealed; this title shall in no manner affect rights or causes of action, either civil or criminal, not in suit that may have already accrued or grown out of any ordinance or part of any ordinance hereby repealed. (Ord. 12571 §429; May 8, 1979).

27.81.110 When Effective.

This title shall be in full force and effect from and after its passage and publication as provided by law. (Ord. 12571 §430; May 8, 1979).